

REMARKS

Claims 1 to 7, 15, and 16 were pending in the present application. Applicant has amended claims 1 and 3. Claims 1 to 7, 15, and 16 remain pending.

Claim Rejections

U.S. Patent No. 5,566,265 (“Spaeth et al.”)

The Examiner rejected claims 1, 2, and 7 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Spaeth et al. Addressing claim 1, the Examiner found that “Spaeth shows in figure 2 a substrate 17, a lens 16 above the substrate and below laser 1, and a top layer 2.” November 21, 2006 Office Action, p. 2. Applicant respectfully traverses.

Reference 17 of Spaeth et al. does not denote a substrate. Spaeth et al. uses reference 17 to denote a waveguide. “The optical coupling for the light receiver 8 expediently comprises a further light waveguide 17 and/or a further lens coupling optics 16, and according to FIG. 2, is located, for example, in a bore 18 in the bottom plate 19 of the housing 10.” Spaeth et al., col. 3, lines 22 to 26 (emphasis added).

To further clarify the invention of claim 1 and expedite prosecution, Applicant has amended claim 1 as follows:

1. A laser submount on top of which a laser is mounted, comprising:

a substrate;

a lens above the substrate and below the laser, the lens directing light from the laser through a body of the substrate;

a planarization layer covering the lens; and

a top layer on top of which a laser is mounted, the top layer being above the lens.

Amended claim 1 (emphasis added). Spaeth et al. does not disclose or suggest both (1) a planarization layer covering the lens and (2) a top layer on top of which a laser is mounted as recited in amended claim 1.

For the above reasons, amended claim 1 is patentable over Spaeth et al.

Claims 2 and 7 depend from amended claim 1 and are patentable for at least the same reasons as amended claim 1.

U.S. Patent No. 6,731,882 (“Althaus et al.”)

The Examiner rejected claims 1, 2, and 7 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Spaeth. Addressing claim 1, the Examiner stated found that “Althaus shows in figures 1 and 2 a substrate 17, a lens 18, a laser 12, and a top layer 11.” November 21, 2006 Office Action, p. 2. Applicant respectfully traverses.

Reference 17 of Althaus et al. does not denote a substrate. Althaus et al. uses reference 17 to denote a filter-lens-receptacle unit 17. “The beam deflection receptacle is composed of a mirror mount 8 and a filter-lens-receptacle unit 17.” Althaus et al., col. 5, lines 16 and 17 (emphasis added). Applicant notes that Fig. 1 of Althaus et al. does disclose a laser diode 12 mounted atop a laser submount 11, and a lens 15 mounted to a bottom surface of submount 11 (i.e., below submount 11). Thus, Althaus et al. does not disclose or suggest a lens mounted above a substrate and below a laser as recited in claim 1.

As discussed above, Applicant has amended claim 1 to further clarify the invention of claim 1 and expedite prosecution. Althaus et al. does not disclose or suggest both (1) a planarization layer covering the lens and (2) a top layer on top of which a laser is mounted as recited in amended claim 1.

Claims 2 and 7 depend from amended claim 1 and are patentable for at least the same reasons as amended claim 1.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 3 to 6 are allowable if amended to independent form. Applicant has not amended claims 3 to 6 because Applicant believes that their base claim 1 is patentable over the cited references.

Applicant thanks the Examiner for allowing claims 15 and 16.

Summary

In summary, claims 1 to 7, 15, and 16 were pending in the above-identified application. Applicant has amended claims 1 and 3. For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim objections and rejections and allow claims 1 to 7, 15, and 16. Should the Examiner have any questions, please call the undersigned at (408) 382-0480x206.

I hereby certify that this correspondence is being transmitted prior to expiration of the set period of time by being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

/David C Hsia/
Signature

February 21, 2007
Date

Respectfully submitted,

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